

SENATE BILL NO. 148

BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 3:3408(A)(10), 3409(B) and (C), 3410(H)(3), 3411(G)(3), and  
3 3420 and to repeal Part VII of Chapter 6 of Title 3 of the Louisiana Revised Statutes  
4 of 1950, comprised of R.S. 3:711 through 716, relative to agriculture commodities;  
5 to clarify provisions of the Agricultural Commodity Dealer and Warehouse Law; to  
6 provide relative to warehouse licenses; to repeal the Agriculture Commodity  
7 Marketing Law; to provide for technical corrections; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:3408(A)(10), 3409(B) and (C), 3410(H)(3), 3411(G)(3), and 3420  
11 are hereby amended and reenacted to read as follows:

12 §3408. Contents of application for and renewal of warehouse license, cotton  
13 merchant license, and grain dealer license

14 A. The application for licensure as a warehouse, cotton merchant, or grain  
15 dealer shall contain:

16 \* \* \*

17 (10) All financial statements shall be accompanied by a certification by the  
18 applicant or the chief executive officer of the applicant, under penalty of perjury as  
19 provided in R.S. 14:123, that the financial statement accurately reflects the financial  
20 condition of the applicant for the period covered in the statement. Only one financial  
21 statement shall be required for a chain of warehouses covered by a single warehouse  
22 license. The initial application for a license shall be accompanied by the warehouse's,  
23 **cotton merchant's**, or grain dealer's most recent financial statement. Thereafter, all  
24 financial statements shall be filed within ninety days after the close of the grain  
25 dealer's, **cotton merchant's**, or warehouse's fiscal year.

\* \* \*

§3409. Warehouse license required prior to operation of warehouse; demonstration of competency; renewal; fees; licensed capacity; ~~weighmaster required~~; prohibition

\* \* \*

B. The applicant for a warehouse license shall file the application described in R.S. 3:3408 and ~~either demonstrate its competency to engage in the business of operating a warehouse or satisfactorily complete any examination that may be required by the commission.~~

C. Each license issued by the commission under this Section shall specify on the face thereof that it is a warehouse license and shall be posted ~~by the warehouse in its principal place of business in this state~~ **in all warehouse locations.**

\* \* \*

§3410. Bond required as a condition of warehouse license, time of filing; amount of bond, minimum and maximum; approval; notice of cancellation; changes in licensed capacity; insurance; alternate security; failure to maintain bond and insurance in full force and effect

\* \* \*

H. The commission may accept alternate security in lieu of the bond required under Subsection C of this Section. The alternate security shall be in the same amount as the amount of the bond required in Subsection C of this Section and shall be in one of the following forms:

\* \* \*

(3) A first mortgage on immovable property which is located in Louisiana and which has an appraised value of at least one hundred fifty percent of the amount of the bond. The appraisal shall be made by an independent appraiser jointly designated by the commission and the applicant. The applicant shall provide a title insurance policy issued by a company authorized to do business in Louisiana in the amount of **the** required bond with the commission being an insured under the policy. The applicant shall pay all fees involved in providing such security.

\* \* \*

§3411. License to buy or sell agricultural commodities; posting requirements for grain dealers; duration of license; bond required as a condition of a grain dealer license, time of filing, amount of bond, notice of cancellation, alternate security; failure to maintain bond and stock insurance

\* \* \*

G. The commission may accept alternate security from grain dealers in lieu of the bond required under Subsection F of this Section. The alternate security shall be in the same amount as the amount of the bond required in Subsection F of this Section and shall be in one of the following forms:

\* \* \*

(3) A first mortgage on immovable property which is located in Louisiana and which has an appraised value of at least one hundred fifty percent of the amount of the bond. The appraisal shall be made by an independent appraiser jointly designated by the commission and the applicant. The applicant shall provide a title insurance policy issued by a company authorized to do business in Louisiana in the amount of the required bond with the commission being an insured under the policy. The applicant shall pay all fees involved in providing such security.

\* \* \*

§3420. Schedule of charges and tariffs

~~Within sixty days after the effective date of this Chapter, each warehouse shall file with the commission for its approval a current schedule of the warehouse's charges or tariffs. Whenever there is a change in any warehouse's schedule of charges or tariffs, the new schedule shall be filed with the commission prior to implementation thereof. These charges or tariffs shall be the same for the same class of service to each customer of the warehouse and shall be posted conspicuously in each location covered by the license.~~

Section 2. Part VII of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:711 through 716, is hereby repealed.

1           Section 3. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_